

**SUBSTITUTE FOR THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3773
OFFERED BY M. _____**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. REPEAL OF SUNSET OF PROTECT AMERICA
2 ACT .**

3 Section 6 of the Protect America Act of 2007 (Public
4 Law 110-55) is hereby repealed.

5 SEC. 2. LIABILITY DEFENSE.

6 (a) IN GENERAL.—Notwithstanding any other law,
7 and in addition to the immunities, privileges, and defenses
8 provided by any other provision of law, no action shall lie
9 or be maintained in any court, and no penalty, sanction,
10 or other form of remedy or relief shall be imposed by any
11 court or any other body, against any person for the alleged
12 provision to an element of the intelligence community of
13 any information (including records or other information
14 pertaining to a customer), facilities, or any other form of
15 assistance, during the period of time beginning on Sep-
16 tember 11, 2001, and ending on the effective date of this
17 Act, in connection with any alleged classified communica-
18 tions intelligence activity that the Attorney General or a

1 designee of the Attorney General certifies, in a manner
2 consistent with the protection of State secrets, is, was,
3 would be, or would have been intended to protect the
4 United States from a terrorist attack. This section shall
5 apply to all actions, claims, or proceedings pending on or
6 after the effective date of this Act.

7 (b) JURISDICTION.—Any action or claim referred to
8 in subsection (a) that is brought in a State court shall
9 be deemed to arise under the Constitution and laws of the
10 United States and shall be removable pursuant to section
11 1441 of title 28, United States Code.

12 (c) DEFINITIONS.—In this section:

13 (1) INTELLIGENCE COMMUNITY.—The term
14 “intelligence community” has the meaning given the
15 term in section 3(4) of the National Security Act of
16 1947 (50 U.S.C. 401a(4)).

17 (2) PERSON.—The term “person” has the
18 meaning given the term in section 2510(6) of title
19 18, United States Code.